

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEBRA SPERO, as Natural Mother of
V.S., an infant,

Plaintiffs,

-against-

DECLARATION OF V. S.
Civil Action No.: 3:17:cv-7 (GTS-DEP)

**VESTAL CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION, VESTAL CENTRAL SCHOOL
DISTRICT, JEFFREY AHEARN**, Superintendent of Schools,
ALBERT A. PENNA, Interim Principal Vestal
High School, **DEBORAH CADDICK, CLIFFORD
KASSON**, in their
Individual and Official capacities.
Defendants.

I V.S., declare pursuant to 28 U.S.C. § 1746:

1. All facts stated in this declaration are true and correct to the best of my knowledge. I am a resident of Broome County, and have personal knowledge of the facts contained in this declaration, to which I am competent to testify.

2. My mother was born in Guyana a South American country and my father is Italian-American. My mother and I are two of the very few people of color in our community.

3. I began attending Vestal High School in 2012. From the beginning of that school year my identity as a student of color became more important to me as I started to deal with racism that up until that point in my life I had not had to deal with.

4. I feel like because of the color of my skin I am treated differently by both the students and staff at my high school. Some of the racist treatment has been overt for example I have been called a “nigger” several times since I started at Vestal High. However, more often than not the racist treatment has been subtle. I have been called “intimidating” and often asked “where are

you from?" both forms of racial microaggressions. Teacher's also regularly pass me over when I have my hand up to answer a question.

5. One specific incident I remember was on October 13, 2015. On that day other students falsely accused me of stealing money out of another student's backpack in our locker-room. The kids who accused me of stealing repeatedly call me a "nigger" and also ridiculed another student who wears a turban. I reported all of this to my physical education teacher and Vice Principal Caddick. Their response was not to go talk to the kids who were calling me a "nigger" they instead searched me for the stolen money. Of course they didn't find anything because I never stole it but the incident still appears on my disciplinary record. I don't think the kids who called me a "nigger" ever even got in trouble.

6. This year I had more issues related to my race. In the Fall semester I was enrolled in Ms. Dyer's math class. In that class, Ms. Dyer placed me and the other minority students in the back of the class segregating us from the white students. I thought this was strange and complained to Ms. Dyer that "separate is not equal" and the seating arrangement should be changed. In response Ms. Dyer moved one of the other students of color to the front of the room but did nothing else.

7. I complained about this incident to Vice Principal Kasson but he never did anything about it.

First Short Term Suspension

8. On November 22, 2016, Ms. Dyer accused one of the students of color in our class of "vaping".

9. She ordered him to leave the classroom and as she turned to come back in I heard her say "I'm fucking tired of these niggers." I couldn't believe what she said. I responded by saying

“What?!” and then called her a “fucking racist.” She then told me to leave the classroom and I walked to the office with the hall monitor. Still in disbelief I explained to the hall monitor what had happened in the classroom and what Ms. Dyer had said. The hall monitor told me I should report it.

10. When I got to the office nobody spoke with me about the incident and I just went home for Thanksgiving break at the end of the school day.

11. I did not hear from anyone from the office until December 2nd when I was taken out of class by Vice Principal Kasson. As we were walking Mr. Kasson stopped in front of a map and asked me where my parents were from. I thought that was a strange question but I told him my mother is from Guyana and my dad is Italian American.

12. When I walked into the Vice Principal’s office Ms. Caddick told me to sit down. She then told me I was being suspended for “threatening” Ms. Dyer. I had no idea what she was talking about.

13. After Ms. Caddick told me that I was suspended I repeatedly asked her why. Ms. Caddick began to scream at me telling me that “you know what you did” I asked her repeatedly to tell me “what I did”. She kept yelling at me and I told her “you’re only doing this to me because I’m brown”.

14. While Caddick was yelling at me I dialed my mother’s phone and asked her to come to the school because I was being suspended. My mother heard her yelling at me.

15. When my parents and my sister got to the office, the Assistant Principals told them that Ms. Dyer said she heard me say her husband’s first name and someone in class said her street number during class. I thought that was strange reason to get me in trouble.

16. I now know that her husband's name is Maxwell from the hearing transcript and also want the court to know that there are two kids in the class with the same name.

17. I couldn't believe I would get suspended for five days for something like that. I was incredibly frustrated with my treatment at school and felt they were singling me out because I was a student of color and believe Ms. Dyer is a racist. Of course feeling singled out is not a new feeling for me or the other students of color at the school.

Social Media Posts

18. After getting my suspension notice I thought the community needed to know about the racism that I and the other students of color confront every day within the Vestal School District.

19. From December 2nd to December 5th I tweeted out several tweets to express my frustration with the treatment of me and the other students of color within the Vestal School District.

20. I tweeted:

“I love being discriminated and prejudiced in the vestal high school system.”

“Crazy how racism will never fade away, we are stuck.”

“How can you allow racism to brew within your staff and discipline the one trying to shine attention to the racism that is going on #truthwillprevail.”

“@WBNG12NEWS suspended from school for calling my teacher a racist after being separated with 4 other students because of our color”

“@WBNG12NEWS then she reported me after a day for feeling threatened by me after I attempted to report her, and I was told I wasn't going to be acknowledged because I have no say. Vestal High School is corrupt and unfair to its colored students. And we need help.”

“End racism within our schools, how are you supposed to teach the young minds while (yours) is stuck in such an evil way #vestalhighschool”

21. On December 2nd, I also tweeted a video of a magic trick I thought was cool.
22. On December 7th two days after my last tweet about the racism at Vestal High School I took a video on Snap Chat of my sister unloading and storing her new gun. I was proud of my sister for just getting licensed to carry a handgun and thought my snapchat friends would think it's a cool video. There are no mentions of Vestal High School being racist or threats in the video it's just my sister putting the gun safely away. I also snapped a video of me going to see my girlfriend who was in the hospital.
23. On December 8th one of my friends told me that two girls who were my classmates were going to try and get let out of school early by reporting my tweets and snapchat video to the school.
24. I told my dad what the two girls were doing and he contacted the school.
25. As a result of the few complaints the school received about my posts, I was once again suspended for five days and a superintendent's hearing was scheduled.
26. On December 8, 2016, I posted on my twitter account my feelings about the suspension. I tweeted:

“Me trying to spread awareness to the racism I had to face is nothing wrong. I would never hurt a soul, I just wanted to help. I love everyone.”

“We are all equal, because of the pigmentation of my skin means I'm a danger to the school? You are racist, face it you are a horrible being”

“[Defamation] of character is a crime, because of my skin color you are gonna say I'm going to kill people that's outrageous, you are a racist.”

27. I believe I have the right to post the things I tweeted to encourage public discourse on racism among my peers and in my community. There are not many people of color in my town and as one of the few people of color who live here I believe I have the duty to have discussions with my non-white neighbors about race and racism.
28. After a long suspension hearing that was held over the course of two months, I was suspended for the remainder of the 2016-2017 school year and all of the 2017-2018 school year.
29. I will not be allowed back into to school until I am 19 years old. That is over 540 days of missed education.
30. I will be 20 years old by the time I am eligible to earn my high school diploma from Vestal School District.
31. The district did not offer me any alternative education during my previous short term suspensions and I am told the district will not offer me tutoring or alternative education so that I can keep up with my studies.
32. Even if my parents could afford to hire a tutor, the district will not provide me with the work I have missed.
33. I have been accepted to State University of New York Broome Community starting in the fall to an associates program, but in order to graduate I must have earned my high school diploma.
34. I did not get accepted to the nursing program because I will not have a high school diploma by the fall.

35. If my suspension is not overturned and I'm unable to earn my high school diploma, any courses I take at BCC will be worthless and I will have to pay back any financial aid I receive.
36. I believe I only need a few more credits to get my high school diploma.
37. If I do not receive any educational instruction for the next two years, I don't think it will be possible for me to go back to high school and pass the science and math classes I am currently enrolled in.
38. I am severely depressed as a result of the action taken by VSD. I have thought about ending my life as a result.
39. I tweeted about racism because I believe students of color are treated differently at Vestal High School.
40. In fact, at my hearing Vice Principal Kasson testified that there has been racism inside the Vestal High School.
41. By speaking out against the racism in the Vestal School District I was asking for help and hoping to start a dialogue to deal with what I perceive to be persistent racism. I can't believe I got suspended for eighteen months just for doing what I thought was right.
42. I am afraid now to ever tweet any criticism of the Vestal School District let alone discuss racism at the school again.
43. I see Instagram posts made by VSD students with guns all the time and upon information and belief none of those students have ever been punished for these postings. One of the posts referred to "#sniper" Another post featured Vestal students holding firearms and wearing face masks. There is one major difference between the students in those pictures and me and that is that I am a student of color.

44. I miss going to school. I am pleading with this Court to please return to me to school so that I can continue with my studies and go on to fulfill my dream of becoming a nurse.

45. I certify under penalty of perjury the foregoing is true and correct.

Dated: 5/3/17



V. S

EXHIBIT B

VIDEO FILED SEPARATELY

EXHIBIT C

Caddick, Deborah S

From: Talbut, Conor M
Sent: Thursday, December 08, 2016 12:21 PM
To: Penna, Albert A; Kasson, Clifford R; Caddick, Deborah S
Subject: Fw: Spero
Attachments: Video.MOV; image1.JPG; image2.JPG; image3.JPG

The snapchat video and twitter images were recorded off of [REDACTED] phone.

From: Conor Talbut <ctalbut@vestalny.com>
Sent: Thursday, December 8, 2016 12:19 PM
To: Talbut, Conor M
Subject: Fwd:

---- Original Message ----

From: "Conor Talbut" <ctalbut10@gmail.com>
Sent: 12/8/2016 4:51:15 PM
To: ctalbut@vestalny.com
Subject:

Sent from my iPhone
</ctalbut10@gmail.com>

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EXHIBIT D

Mr. Spero 12/4/4

Albert I did get your call

Mr. - 8-12 went to Supt. To voice displeasure what we did to Vincent (you)

- C [REDACTED] Spreading rumors V [REDACTED] is going
Supt [REDACTED] to come have + shut up school

Albert - Here w/ Admin + SRO, Caddick, Kisson

Spero Snapchat + Twitter V sent gone viral

Video clip w/ weapon, female in bedroom, holding
A weapon

Mr. - my daughter she's got a permit

Albert - racism against VHS

- Violated FERPA his own rights

He did it in terms of his own suspension

= WBN6

We have hard copies

AP - rend + twitter

Mr. Jesus Christ

AP - enormous disruption

Mr. unbelievable

AP - call from State Police

put Supt. on notice

getting bigger by moment

Mr. Jesus Christ

AP - ending my situation

Filtering in our school

Mr. - I don't know what to say

AP - Where is he now?

MR. @ hospital she had surgery (gf)

Dr. Students are concerned

put out a video loading gun

AP - He needs to be governed

Set me

Mr. get in touch w/ him

Sch. 1 → Supt → moving

His reacted

The 5 days, violent

MR - Why violent?

Cover - Weapon?

Mr - concealed

under table + bag

C - stress the dangers of displaying

Mr - In Italian "Shhing."

Cover - I'd appreciate talking to him, I'll call him

Mr - I'll get him home

KP - Get the cell phone away from him

DC - we will get back

Cover - greet to Mr. Spuro

Mr - He can't go to the dance?

DC - No he can't

AD - No
How did this get out / C [REDACTED] US [REDACTED]

Security

12/8/16

Speller phone Conver, DC, Dr. Tchait
Lisa transferred call from Minn office "Mrs. Speler"

cell

Brittany Speler Sister - listed as Emergency Contact
DC - & Albert this isn't his mother, it is his sister
Has some questions what's going on w/ [REDACTED]

AP - Difficult day here a) VTS

V has made some poor decisions
based on his actions - suspension
going viral disrupted school community

DC - twice b)

upset Snapchat video (Conver - she snitch)

B (Mugun, I am an investigator, I didn't know he videotaped that
AP - violated his FERPA rights - telling others about what happened

DC - Disruption to school

- Concerns from students - They've seen other things he's posted
intimidation, fights

B What happens next? Outlined because summary reports?

AP Additional Suspension 5 days

B - I've been looking over LSC

DC - we will send a letter to parents

Albert - only speak of parents

DC - Sister listed as emergency contact

- Normal if we do, abnormal if we don't

EXHIBIT E

ORIGINAL

STATE OF NEW YORK
COUNTY OF BROOME

In the Matter of a hearing
held pursuant to
Education Law Section 3214 (3) (c)

for [REDACTED] "S"

a student of the

Vestal Central School District

A hearing held at 201 Main Street, Vestal,
New York, Vestal Central School District
Administrative offices, on the 25th day of January
2017 commencing at 1:10 p.m.

BEFORE: MICHAEL SHERWOOD
Hearing Officer

REPORTED BY: CARLEEN J. TAYLOR
Court Reporter

A P P E A R A N C E S:

Counsel for the HOGAN, SARZYNSKI, LYNCH,
School District: DEWIND & GREGORY
520 Columbia Drive
Johnson City, NY 13790
BY: WENDY K. DEWIND, ESQ.
CAMERON DANIELS, ESQ.

For the Student: ROBERT "S" - Father
BRITTANY "S" - Sister

CARLEEN J. TAYLOR
3408 Brentwood Place
Vestal, New York 13850
(607) 729-6660



I N D E X

WITNESS	PAGE
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For the District:

DEBORAH CADDICK,	7 - 49
CONNOR TALBUT,	50 - 58
CLIFFORD KASSON,	58 - 72

For the Student:

None.

E X H I B I T S

For the District:	MARKED	REC'D
2 Student planner		10
3 Verification sheet		10
4 Incident report		56
5 Copy of tweets and posts		22
6 Video		58

-COLLOQUY-

1 HEARING OFFICER: We are here on
2 the 25th at 1 o'clock. Attorney DeWind
3 is here on behalf of the school. We
4 have family members here including --
5 you're Mr. Robert --

6 MR. SPERO: Spero.

7 HEARING OFFICER: And --

8 BRITTANY: His sister Brittany.

9 HEARING OFFICER: All right. And
10 Mr. Spero, I think you had some
11 information you wanted to share with
12 everyone.

13 MR. SPERO: Yes. As of late
14 afternoon yesterday, due to personal
15 reasons, Mr. Benjamin is no longer our
16 attorney and we are going to ask you,
17 sir to give us a few weeks until we can
18 get another attorney to properly
19 represent us.

20 HEARING OFFICER: Okay. Ms.
21 DeWind.

22 MS. DEWIND: I would object to
23 that. There has already been
24 substantial delay in this hearing and
25 as you know, an attorney is not

-COLLOQUY-

1 required. The only circumstances I can
2 see going forward where we would
3 consent to an adjournment -- especially
4 since we have another two hearing dates
5 scheduled -- would be if the family
6 were to agree that [REDACTED] would be
7 suspended and the district provide home
8 tutoring in the interim.

9 HEARING OFFICER: Is that
10 something you folks want to discuss in
11 private?

12 MR. SPERO: This is the proposal
13 from them, sir and our response to them
14 is --

15 MS. DEWIND: All righty. That is
16 a settlement proposal from Mr.
17 Miller's office.

18 HEARING OFFICER: I am not sure I
19 want that part --

20 MS. DEWIND: I don't think that
21 would be appropriate.

22 MR. SPERO: I guess he was going
23 to be a standup comedian.

24 HEARING OFFICER: Okay. So, Ms.
25 DeWind, your position in a nutshell is

-COLLOQUY-

1 that the district's prepared to proceed
2 here today.

3 MS. DEWIND: Fully.

4 HEARING OFFICER: And Mr. Spero, I
5 note your request for an extension of
6 an adjournment. I think under all the
7 circumstances, a lot of time has
8 already passed. I believe we are going
9 to go ahead and proceed today. Now, I
10 don't think we are going to finish
11 today but you have certain witnesses
12 that you wanted to present for the
13 school today?

14 MS. DEWIND: Yes. I am prepared
15 to present our case today on behalf of
16 the district. Before we were to start
17 that, I would note we have a student
18 who is here pursuant to one of the
19 Spero family's subpoenas, a [REDACTED]
20 [REDACTED], who is waiting and I did not
21 know if we should continue holding him
22 out of class with his parent or if you
23 anticipate you would not need him
24 today.

25 MR. SPERO: I don't think we would

-COLLOQUY-

1 need him.

2 MS. DEWIND: With your permission,
3 I will release him.

4 MR. SPERO: By all means.

5 HEARING OFFICER: I think with the
6 understanding that if he is going to be
7 needed in the future, the family would
8 be -- you've got the phone number --
9 you know how to get ahold of [REDACTED]

10 [REDACTED]?

11 MR. SPERO: I have no addresses,
12 no phone numbers or anything.

13 MS. DEWIND: Mr. Benjamin has all
14 that in his file and you are certainly
15 entitled to a copy of that. I also
16 believe your son knows how to reach him
17 seeing how he was part of a group chat.

18 HEARING OFFICER: I don't see any
19 reason to tie up the family today.

20 MS. DEWIND: If it is okay, I will
21 go release him.

22 (WHEREUPON a brief recess was
23 taken)

24 HEARING OFFICER: Okay. So that
25 student has been dismissed for today

D. CADDICK

1 and counselor, I believe you had a
2 witness to present.

3 MS. DEWIND: I do. Can I just
4 verify that you have district's exhibit
5 7-A through D?

6 HEARING OFFICER: I'm not sure
7 that I do.

8 MS. DEWIND: Seating charts.

9 HEARING OFFICER: I have the
10 seating chart. Yes, I have that.

11 MS. DEWIND: Because I did not
12 have that.

13 HEARING OFFICER: Sure.

14 MS. DEWIND: Okay. May I proceed?

15 HEARING OFFICER: Surely.

16 MS. DEWIND: Thank you. District
17 would like to call Deborah Caddick

18 DEBORAH CADDICK,

19 having been duly sworn

20 by Carleen J. Taylor

21 testified under oath as follows:

22 EXAMINATION BY MS. DEWIND:

23 Q. Could you please state your full name for
24 the record?

25 A. My name is Deborah Suzanne Caddick.

D. CADDICK

1 Q. And Ms. Caddick, are you employed?

2 A. Yes.

3 Q. What do you do for a living?

4 A. I am an assistant principal at Vestal High
5 School.

6 Q. How long have you been employed in that
7 capacity?

8 A. I was hired in October of 2003 -- thirteen
9 years -- going on fourteen.

10 Q. Do you know a student by the name of [REDACTED]
11 [REDACTED]?

12 A. Yes.

13 Q. I am going to ask you if the district has a
14 code of conduct?

15 A. Yes, it does.

16 Q. Where can that be found?

17 A. It's located in the student handbook
18 planner.

19 Q. I am going to show you a copy of district's
20 exhibit two which looks like this and ask you if you
21 can identify that.

22 A. This is a copy of the student handbook
23 planner.

24 Q. And where if you don't mind can you find the
25 code of conduct?

D. CADDICK

1 A. Page -- it begins on page eleven.

2 Q. Can you describe for us how the district's
3 planner is distributed?

4 A. Yes. On the first day of school, all of the
5 students in their first period class receive a copy of
6 the handbook planner and we also show a video that Mr.
7 Kasson and I made that goes over all of the different
8 information that's contained in the student handbook
9 planner. And once the students have their planner and
10 have watched the video they sign a sheet showing that
11 they received it and that they watched the video.

12 Q. I am going to show you what has been
13 pre-marked as district's exhibit three. Can you
14 identify that document for me?

15 A. Yes. This is what I was just talking about.
16 It's the student handbook code of conduct and
17 technology use agreement form. So this one was for --
18 the teacher was Charlie Arbuso and it was dated
19 9/7/16. And if you look almost halfway down, [REDACTED]
20 [REDACTED] printed his name and signed his name that he did
21 receive his handbook planner.

22 MS. DEWIND: Thank you. District
23 would like to offer exhibit two and
24 three at this time.

25 HEARING OFFICER: Any objection to

D. CADDICK

1 two and three becoming part of the
2 record?

3 Mr. SPERO: I don't understand so
4 no objection.

5 HEARING OFFICER: We will receive
6 two and three.

7 Q. Did there come a time, Ms. Caddick when you
8 learned of an incident involving [REDACTED]

9 A. Yes.

10 Q. Do you recall when that was?

11 A. There was an incident that occurred on the
12 22nd of November. I learned of that on the 28th of
13 November. The 22nd was the day before Thanksgiving
14 break.

15 Q. What was the incident on the 22nd of
16 November?

17 A. On the 22nd of November [REDACTED] was in his
18 fourth period class with Ms. Dyer. She asked [REDACTED]
19 to leave the classroom because he was playing his --
20 had music on his phone. And when she asked him to
21 leave he called her a fucking racist.

22 Q. Okay. And how did you learn of the
23 incident?

24 A. Ms. Dyer came to me on the 28th to tell me
25 that she had submitted a student conduct form for the

D. CADDICK

1 incident that happened on the 22nd. She told me, you
2 know, what had happened and I told her that I would
3 meet with [REDACTED] and discuss it. And I did.

4 Q. And could you tell us about your meeting
5 with [REDACTED] starting with when it was?

6 A. Yeah. I'm not -- I met with him on December
7 the first. I called [REDACTED] into the office during
8 first period and showed him the conduct form and
9 talked to him about it. He was not happy that I'd
10 even brought it up. I told him that, you know, you
11 can't be disruptive in class and that you shouldn't
12 say things like that about the teacher.

13 Q. When you say [REDACTED] was not happy that you
14 brought it up what do you mean?

15 A. He started to argue almost immediately --
16 started to argue -- sort of went into a circular sort
17 of back and forth because he kept talking about
18 something that the teacher had done earlier in the
19 year.

20 Q. And what was that?

21 A. He claimed that the teacher had put all of
22 the students of color into the back of the room. And
23 when I asked him when that was he said probably the
24 end of September, early October.

25 Q. At any time during your conversation with

D. CADDICK

1 [REDACTED] on December 1st of 2016 did he make any
2 reference to the teacher making a racist comment in
3 class that day and he was simply responding to her?

4 A. He wasn't happy because -- well, another
5 student in that class earlier had an electronic
6 cigarette and had used that. He vaped. So there was
7 like a vapor cloud and the teacher had the student
8 leave the classroom. And [REDACTED] was not happy and I
9 believe that's why he called her a racist.

10 Q. But in your discussion with him on the first
11 of December did he indicate that she had used the "N"
12 word in class?

13 A. No. No.

14 Q. During your conversation with [REDACTED] on the
15 first, did he ever admit that he called Mrs. Dyer a
16 racist?

17 A. Yes.

18 Q. And after your conversation with [REDACTED]

19 what, if any, action did you take?

20 A. I explained to him that since he was a
21 senior, I was going to place him on probation for
22 senior activities. It's a consequence that we use
23 under the code of conduct. It basically -- it doesn't
24 take anything away but I explained to him that from
25 this day which would be the beginning of December

D. CADDICK

1 until in May when we look towards the senior
2 activities, the class trip and the prom, that we kind
3 of watch his behavior and we follow it up with a
4 letter but the students have a chance to put in
5 writing and come in and meet with me and say since I
6 met with you in December, I've been following the code
7 of conduct. I feel I should be able to attend these
8 senior activities. He immediately asked to have the
9 Superintendent's phone number. He wanted to contact
10 the Superintendent.

11 Q. Is that unusual in your experience?

12 A. Yes. I think it is -- I don't think I have
13 ever had another student say that they wanted to call
14 the Superintendent and please give me the phone
15 number. But I did -- I wrote the Superintendent's
16 phone number down on a post it note and gave it to
17 [REDACTED]

18 Q. Prior to November 22nd, are you aware of any
19 conflict between [REDACTED] and Mrs. Dyer?

20 A. Well, Mrs. Dyer did come in to me -- not
21 specifically about [REDACTED] -- but said, you know, it's
22 a class of seniors. It's before lunch. They're all
23 friends. And she told me the strategy she was using
24 towards the class and, you know, asked if there was
25 anything else she should do but not specifically about

D. CADDICK

1 [REDACTED] and that class.

2 Q. So after you gave [REDACTED] the
3 Superintendent's phone number what happened next?

4 A. He left my office.

5 Q. And --

6 A. I learned during fifth period Mr. Donlon --
7 and that's [REDACTED] participation in government
8 teacher -- [REDACTED] has Mr. Donlon during third period.
9 Mr. Donlon came down and asked if anything -- like
10 what's going on with [REDACTED] He said he came into his
11 third period class. He was very loud and somewhat
12 disruptive and that he was going on and on talking
13 about that his math teacher was a racist. And so Mr.
14 Donlon wasn't sure what was going on but he just
15 wanted us to be aware that that had happened.

16 Q. Did anything further happen that day?

17 A. Well, when [REDACTED] went into fourth period
18 math class, that would be, you know, after he met with
19 me first period and he had been in Mr. Donlon's class,
20 I learned at the end of the day Mrs. Dyer came down
21 and told me what had happened fourth period. She said
22 that she was going around -- she handed out a work
23 sheet and [REDACTED] said the name of her street and
24 looked at her. And then a little bit further as the
25 students were working, [REDACTED] said the name of Ms.

D. CADDICK

1 Dyer's husband -- his first and his middle name. And
2 then a little bit later, she wasn't sure who but the
3 students working in the group with [REDACTED] one of
4 those said her house number which was 4205. So she
5 came down and told me this at the end of the day.
6 She had talked with her husband. She was upset and
7 she wasn't quite sure -- she said that she had talked
8 to [REDACTED] in the hall and [REDACTED] just said to her, you
9 know, he was upset with the school but not with her.
10 But she did say to me in talking to her husband that
11 she was concerned. They have two young children. She
12 didn't know what it meant that a student was
13 mentioning, you know, where she lived particularly and
14 her husband's name and she was concerned about that.
15 She got a little teary-eyed.

16 Q. Could you describe for us Mrs. Dyer's career
17 here at Vestal?

18 A. This is Mrs. Dyer's first year here as a
19 teacher at Vestal. She had previously taught in
20 Johnson City for I believe twelve or thirteen years.
21 So she was new to Vestal but she is not a brand new
22 teacher. She did mention to me in that conversation
23 that she was a little concerned that early in the
24 year, [REDACTED] had made a remark to her like, oh,
25 you're new. You're new and kind of felt like she felt

D. CADDICK

1 a little bit intimidated by that she said. She wasn't
2 sure what that meant.

3 Q. Would it be fair to say that the fourth
4 period students were well aware that she was new?

5 A. Yes.

6 Q. So once you learned that [REDACTED] had whispered
7 I guess the teacher's address and her husband's name,
8 what, if anything, did you do then?

9 A. Well, I mean she was visibly upset. So I
10 told her that I would contact our school resource
11 officer, Officer Talbut. He finishes at the end of
12 the day at say 2:50 but I called him on his cell phone
13 to make him aware and I told him briefly what had
14 happened and gave him Ms. Dyer's phone number. And a
15 little bit later he called back to say that he had
16 spoken with Ms. Dyer and that we made a plan to meet
17 the next morning to discuss that. The other thing I
18 asked Ms. Dyer is just write a statement down of what
19 had happened in fourth period and she did do that.
20 And she sent it to me. I didn't see it that day but
21 when I went into work she had sent it like at 11
22 o'clock at night that night.

23 Q. So, to the best of your knowledge, did the
24 district take any steps to ascertain whether Ms. Dyer
25 had grouped students of color together?

D. CADDICK

1 A. Yes. And in the statement that she e-mailed
2 me she gave --

3 Q. She is Ms. Dyer?

4 A. Ms. Dyer. Ms. Dyer gave the names of
5 several students that would of been seated, you know,
6 around [REDACTED] or that would be good to talk to. So
7 that next morning on the second, Mr. Kasson
8 interviewed five students.

9 Q. Do you know what the outcome was of those
10 interviews?

11 A. You know, the students did talk a little bit
12 about, you know, that they were seniors and they were
13 sometimes a little bit loud but no one mentioned that
14 they had heard that said. That they hadn't heard the
15 teacher make any inappropriate comments.

16 Q. Did any of them mention she was seating
17 students of color together?

18 A. No. No.

19 Q. Do you know whether they were asked that
20 specifically?

21 A. I believe they were. If, you know, if
22 anything was out of the ordinary and --

23 Q. At some point, did either you or another
24 administrator in the high school meet with [REDACTED]
25 again?

D. CADDICK

1 A. We did. Mr. Kasson and I -- after -- Mr.
2 Kasson is the one that met with those students and
3 then Mr. Kasson and I met with [REDACTED]

4 Q. Can you tell us about that conversation
5 please?

6 A. Yeah. During the conversation, he did admit
7 that he was talking in class about Ms. Dyer and where
8 she lives. He kind of went on with a story, you know
9 -- it's weird, you don't think that your teachers are
10 really people and yet here they are. You find out
11 that she lives on this street. And he said that his
12 girlfriend kind of lived nearby there also. He --
13 again, [REDACTED] was upset when we talked to him and he
14 said he was going to call his mother and he did call
15 his mother from his cell phone and his mother said she
16 would be right in. So we had him go over to the main
17 office to wait.

18 Q. And did his mother arrive?

19 A. Yes. It was probably at least an hour or so
20 but his mom -- it was his mother, his father and his
21 sister -- his sister Brittany.

22 Q. Were you involved in a meeting with the
23 Spero family?

24 A. It was me, Mr. Kasson and Doctor Penna and
25 we met in Doctor Penna's conference room.

D. CADDICK

1 Q. Could you tell us about that meeting please?

2 A. We explained what we had heard that had gone
3 on in the fourth period math class. We explained that
4 the teacher was -- felt intimidated and -- and, you
5 know, [REDACTED] tried to argue that Ms. Dyer was racist
6 and that seemed to be the motivation. And at one
7 point, his sister told [REDACTED] that he really didn't
8 know what it meant to be racist and she referred to
9 him, she said, you millennials and kind of gave him a
10 hard time. Mr. Spero did look at Doctor Penna and
11 say, I want you to apologize to the teacher from me.
12 That, you know, something to the effect that we are
13 not that kind of family that she should not feel
14 intimidated. And as a result, we said we were going
15 to suspend him for five days.

16 Q. Okay. At any time during that December 2nd
17 meeting, did any of the district administration tell
18 [REDACTED] not to discuss the incident?

19 A. Yes -- well, Doctor Penna said, you know,
20 this is just sort of between you -- the best thing you
21 can do is not to talk about this and not to discuss
22 this and kind of told him -- which he usually tells
23 anyone -- it's a good idea to just stay off your cell
24 phone and not talk about this.

25 Q. Did you have any trouble with [REDACTED] while

D. CADDICK

1 he was suspended?

2 A. Yeah -- well, yes we did.

3 Q. What happened?

4 A. Um, it was a couple days later we were --
5 actually, the administrators meet with Doctor LaMarche
6 over here in central office and I received a phone
7 call from Officer Talbut telling me that there were
8 some social media posts that [REDACTED] had posted -- some
9 things on social media. Some students were upset.
10 And so Mr. Kasson -- it was about 11:15 when he called
11 -- and a few minutes later, Mr. Kasson, Doctor Penna
12 and I went back over to the high school to meet with
13 Officer Talbut.

14 Q. Officer Talbut was already over at the high
15 school?

16 A. Yes, yes.

17 Q. What did Officer Talbut tell you had
18 happened?

19 A. He said -- actually, he showed us on a -- he
20 had on a -- he sent me an e-mail with some comments on
21 twitter and snap chat and he let us know that some
22 students had been talking in the commons earlier in
23 the morning and two of the girls were upset and two of
24 the student government officers said, well, you should
25 go down and talk to Officer Talbut. So they escorted

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1 those two girls down and they talked to Officer Talbut
2 and that is how he became aware and saw on the one
3 girl's phone the twitter comments and the snap chat --
4 it's called your snap chat story. And on that snap
5 chat story, one of the things that alarmed the girls
6 was there was a picture of -- or it was a video of a
7 girl in a bedroom and she was loading and unloading a
8 gun.

9 Q. I think just for clarification, what day did
10 Officer Talbut receive these complaints?

11 A. That was on Thursday the eighth.

12 Q. And what was [REDACTED] status at that time?
13 Was he suspended or in school?

14 A. He was on a suspension because his
15 suspension that I just talked about was from the
16 second through the eighth.

17 Q. Okay. So I am going to show you what we
18 have had marked district exhibit five and ask you to
19 identify those if you can.

20 A. Okay. So the line here is -- it's a dollar
21 sign [REDACTED] [REDACTED] -- that is [REDACTED] So these are
22 tweets and these are the posts from twitter that we
23 became aware of. When the girls came down they told
24 Officer Talbut and then he e-mailed them to us so we
25 could see them.

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1 MS. DEWIND: District would like
2 to offer exhibit five at this point in
3 time.

4 HEARING OFFICER: Any objection to
5 item five?

6 MR. SPERO: (Indicating)

7 HEARING OFFICER: Five will be
8 received.

9 MR. SPERO: Is this five?

10 MS. DEWIND: Yes. That's five.

11 Q. I think you mentioned that there was also
12 the video on twitter, correct?

13 A. Yes. Yes.

14 MS. DEWIND: We have marked as
15 district exhibit six a disk with the
16 video on it set to play if we might
17 proceed to play that for you.

18 HEARING OFFICER: Sure.

19 (Whereupon, the video was played)

20 MS. DEWIND: The district would
21 like to offer exhibit six into
22 evidence.

23 HEARING OFFICER: Six the video.

24 Okay.

25 MS. DEWIND: Here's the marked

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1 envelope.

2 HEARING OFFICER: Any objection to
3 six becoming part of the record?

4 MR. SPERO: Yes, there is an
5 objection to six.

6 HEARING OFFICER: And the nature
7 of your objection is --

8 MR. SPERO: Because it has nothing
9 to do with anything, any incident with
10 the school.

11 MS. DEWIND: Mrs. Caddick is about
12 to testify to all of that and how it
13 all relates and disrupted the school
14 environment.

15 HEARING OFFICER: I will reserve
16 on your objection until we hear some
17 more from Ms. Caddick.

18 MS. DEWIND: Thank you.

19 Q. Ms. Caddick, you indicated two girls had
20 come forward to Officer Talbut with concerns. Can you
21 elaborate for us as to what those concerns were?

22 A. Well, they didn't know who the girl was with
23 the gun. There was also -- right along that [REDACTED] had
24 posted a picture of a girl in the hospital which later
25 turned out to be his girlfriend but the girls in the

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1 commons didn't know that. So they've known [REDACTED] and
2 that [REDACTED] can be intimidating. They were a little
3 concerned -- here is a picture of a girl with a gun.
4 Here's some posts that -- the tweets that caused some
5 concern about the school and one of the girls it turns
6 out her father was with the state police and she
7 contacted her father and in turn her father contacted
8 Officer Talbut. So, you know, it was sort of
9 escalating this pattern of concern of the students
10 really don't know why these pictures are on there but
11 it frightens them.

12 Q. Could you tell us how the social media
13 community works because it sounds like we have two
14 different forums that really as Mr. Spero just said
15 don't have much to do with one another.

16 A. Well, you've got students that are always on
17 their social media. They look at the twitter and
18 there's comments. There is a whole list of comments
19 you showed them there. And then snap chat is more of
20 a video -- that's separate. And kids are watching
21 these and they are sort of connecting the dots.
22 They're fearful and they did the right thing. They
23 went down to the school resource officer who's the
24 person that they look to to protect them and shared
25 their concerns.

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1 Q. So many of your students are on both snap
2 chat and twitter?

3 A. Most of the students are, yeah.

4 Q. And they would -- some of them at least
5 would follow [REDACTED]

6 A. Sure. He is a student in our school so
7 yeah, they do.

8 Q. So they see both forums together.

9 A. Yes, students are on all kind of social
10 media all the time. So once you get some students in
11 the commons that are talking and voicing a concern --
12 that's just the way high school works -- then they
13 start talking about, you know, to others and others
14 talk to others and it also -- this was -- these girls
15 contacted their parents and then the parents contacted
16 the school to say what's going on. So, you know, it
17 snowballs that way.

18 Q. Did you receive more than the two complaints
19 from the first two girls who spoke with Officer
20 Talbut?

21 A. Well-- and we had the father that called the
22 state trooper. The two girls that I said -- the two
23 student government girls, they were concerned and then
24 we had two other students that came down and talked to
25 Doctor Penna, [REDACTED] and [REDACTED]. So [REDACTED]

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1 [REDACTED] came down first. She went to Doctor Penna's
2 office. I think he was busy so she came over to my
3 office but she said that she had heard the girls
4 talking and she said that they went down to Officer
5 Talbut and then so she texted [REDACTED] to tell him what
6 the girls were talking about. And, you know, so the
7 one girl was upset and she is like, you know, it's not
8 fair. He is going to be suspended again and on she
9 went so --

10 Q. So after Officer Talbut contacted you about
11 11 a.m. I think you testified to on the eighth, how
12 much of your afternoon was spent dealing with the
13 posts and the video?

14 A. That's all we did. That's all we did. And
15 then at the end of the day, Ms. Wallach who is one of
16 our counselors, she called because the two girls that
17 are in student government, they were now up in their
18 science room. They were -- they were fearful. They
19 didn't want to leave the room. So she went up, got
20 them, brought them down to her office. Then she and
21 Officer Talbut met with the two of them. We were over
22 in Doctor Penna's office. Then they came over and
23 shared what was going on with them.

24 Q. Did you have a special event scheduled for
25 the following day the ninth?

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1 A. We did. The ninth was an early release day
2 and we had planned to do one of our full lock down
3 drills. The state mandates now we do four full lock
4 down drills and we have done one and we planned to do
5 a second one on Friday, the ninth on that half day.
6 And as a result of these girls being fearful and
7 getting all these calls in, we talked with Ms. Wallach
8 -- she is also on the safety team -- and we decided it
9 really wouldn't be a good idea to hold a full lock
10 down drill when you have students that are already
11 sort of upset and fearful. Full lock down drill is
12 pretty scary, you know, where the whole school locks
13 down, the students hide from the windows and the
14 police go around and check. It's a state mandated
15 drill but we just felt it wouldn't be prudent to hold
16 that drill when we have students at the end of the day
17 that are quite upset.

18 Q. At this point in time, being the end of the
19 day on the eighth, had you heard any comments from
20 anybody that Mrs. Dyer had used any racial
21 terminology?

22 A. At this point, we had not heard anything
23 about that, no. Can I add -- in fact, [REDACTED] really
24 hadn't -- [REDACTED] had said she was racist because she
25 put the students in the back but we had not heard this

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1 from anybody including [REDACTED] at this time.

2 Q. By this you mean the statements that have
3 been in the media that Ms. Dyer used the word nigger?

4 A. Correct -- correct.

5 Q. When was the first time you did hear that?

6 A. It was not until actually [REDACTED]

7 girlfriend came in to meet with Mr. Kasson on

8 Wednesday, the 14th and she said that after [REDACTED]

9 [REDACTED] -- who was the student that was vaping --
10 after [REDACTED] was sent out of the room, [REDACTED] told her
11 that Ms. Dyer said the word -- the "N" word under her
12 breath.

13 Q. And the first time you heard it was from
14 Elena?

15 A. Mr. Kasson did, yes -- yeah.

16 Q. Did anything further occur with respect to
17 [REDACTED] on December 9th?

18 A. Well, we delivered a suspension letter.

19 Q. An additional suspension letter?

20 A. Yeah, for an additional five days.

21 Q. For what?

22 A. For the disruption to the school environment
23 because of the social media postings. And that we had
24 to cancel the lock down drill and the students were
25 concerned and parents had called and -- it was a huge

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1 disruption to the school.

2 Q. School resumed on Monday the 12th?

3 A. Um, actually on that Friday -- the day we
4 were suppose to have the lock down drill -- on that
5 Friday morning, we started because the Superintendent
6 -- on the eighth, the Superintendent had asked us to
7 interview all of the students in the math class.

8 Q. What was the purpose of interviewing all of
9 the students in the math class?

10 A. Well, initially as I said, Mr. Kasson
11 interviewed five students and due to the allegations
12 that were made -- we only talked to five. There were
13 twenty-five students in the class including [REDACTED]
14 So the Superintendent asked Mr. Kasson and I to talk
15 to all of the students just to make sure our
16 investigation was thorough.

17 Q. And that was to investigate whether Mrs.
18 Dyer used racist terminology or racist seating?

19 A. Correct -- and to see what sort of
20 disruption had gone on in the classroom.

21 Q. Did you complete that investigation on the
22 ninth?

23 A. No. We didn't get through all of the
24 students because that was a half day. So we finished
25 interviewing the students on the 12th -- Monday the

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1 12th.

2 Q. What was the outcome of your investigation?

3 A. We -- we talked to all of the students but
4 we did not have any of the students say that they
5 heard Ms. Dyer say anything -- anything racial. Most
6 of the students they talked to us about how she had
7 changed the seating chart -- the seating several times
8 since the beginning of the year. The beginning of the
9 year she had the students seated alphabetically to
10 learn the names. Then because there had been
11 disruptions and she had probably changed some of the
12 kids said three or four times -- some said two or
13 three times -- but that she had changed the seats
14 around. I know two of the students said that they
15 thought it was just totally coincidence that some of
16 the students of color were together. Others didn't
17 even mention that or didn't think that was applicable.

18 Q. Did anything else out of the ordinary occur
19 on Monday the 12th?

20 A. Well, we had some students -- or some
21 teachers came down. There were post it notes put
22 around in the hall. There were probably at least
23 fifteen of those and they said hash tag free Spero.
24 So those were around -- around the hall. We did do
25 the interview. I know Mr. Spero called Mr. Penna to

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1 indicate that he would be coming for the scheduled
 2 reentry meeting -- it was suppose to reenter on the
 3 sixteenth with [REDACTED] and we interviewed those
 4 students and we did talk to the Superintendent because
 5 there had been some discussion ongoing whether, you
 6 know, the -- the principal can suspend up to five days
 7 -- and there was some discussion whether this
 8 disruption would warrant going more than five days
 9 out. So we did talk to Superintendent Ahearn and
 10 Assistant Superintendent Lorraine Posture about that.

11 Q. Do you have any idea why [REDACTED] was
 12 persisting on the racism against Mrs. Dyer?

13 A. Well, I know Mrs. Dyer did share that in the
 14 beginning of the year she had all the students do a
 15 survey and tell me a little bit about you and one of
 16 the things [REDACTED] put on his was, you know, if we get
 17 along, everything is okay but, you know, if I don't,
 18 then I can be cold. I do know I met with [REDACTED] -- I
 19 mean he's been a student since ninth grade and he
 20 doesn't like being told -- he doesn't want to hear
 21 that there might be some sort of a consequence.
 22 That's always been any time I have met with him he
 23 sort of -- he doesn't like that and he'll make
 24 arguments that -- and a lot of times he said the
 25 things it's because they're -- I'm being racist or

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1 someone else is being racist. So, you know, Mrs. Dyer
 2 -- it was a pretty simple thing. She said, you know,
 3 your music is loud and you should leave. He got upset
 4 with [REDACTED] being sent out and I gave him -- put him on
 5 probation for senior activities which is a pretty low
 6 level consequence. But then it just seemed to
 7 progress with him, you know, posting on social media
 8 and making the comments about where she lived and
 9 knowing her husband's name and, you know, it just
 10 seemed to persevere on and make this into a very big
 11 story.

12 Q. Is [REDACTED] a student of color?

13 A. I wouldn't say so. [REDACTED] mother said
 14 when we met that he is Italian.

15 MS. DEWIND: I don't have anything
 16 further for Mrs. Caddick.

17 HEARING OFFICER: Okay. Questions
 18 for Ms. Caddick?

19 BRITTANY: Yes.

20 EXAMINATION BY BRITTANY:

21 Q. Am I a student at Vestal High School?

22 A. (No response)

23 Q. Just state for the record.

24 A. No.

25 Q. So a video of me holding a gun isn't -- I

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1 wouldn't be I guess going against a handbook or
2 anything -- any of the rules or regulations that are
3 in it?

4 A. Well, you are not a student.

5 Q. Okay. Are there other students who have
6 pictures and videos of them holding guns on facebook
7 that are students at Vestal High School?

8 A. Not that I'm aware of. Not that's been
9 brought to my attention.

10 Q. Okay. The two girls that had reported the
11 video of me, did they admit to -- [REDACTED] -- that
12 the reason they reported the video was they wanted to
13 get out of school early?

14 A. I didn't -- they didn't say that to me.

15 Q. Because I believe that's what [REDACTED] brought up
16 to I believe Doctor Penna that the girls admitted the
17 reason they brought up the video was they wanted to
18 get out of school early. They knew it would scare
19 enough people so they could be dismissed?

20 A. That was not brought to my attention.

21 Q. Okay. And so [REDACTED] being intimidating, is
22 that because of his size -- in your personal opinion?

23 A. Because of his size, no.

24 Q. Is it because of the way he speaks? Has he
25 ever said anything to intimidate you personally?

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1 A. It's his -- from what I'm hearing, the girls
2 are saying it's because of his actions.

3 Q. Okay. So in the video that you guys showed
4 of me, I am unloading. I was not loading. I was
5 unloading a gun and putting it into a safe, correct?

6 A. If you say so.

7 MS. DEWIND: I think the video
8 will stand for itself.

9 Q. Because I know you were saying I was loading
10 a gun but I was unloading a gun. I just want to state
11 that for the record. You had interviewed students on
12 the day that [REDACTED] had apparently said Mrs. Dyer's
13 husband's name asking them if they heard [REDACTED] say
14 her husband's first and middle name?

15 A. Are you asking if I interviewed the students
16 on that day?

17 Q. Or just in general, did you interview
18 students asking them if [REDACTED] said Mrs. Dyer's
19 husband's first and middle name?

20 A. Yes.

21 Q. Did any of the students say [REDACTED] said his
22 first and middle name? Did any of the students say --

A. I don't think we asked that question.

24 Q. You had told me in our first meeting you
25 interviewed students and asked them if [redacted] had

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1 said her husband's first and middle name then also
2 said her address.

3 A. (No response)

4 MS. DEWIND: If you remember.

5 A. I don't remember. I'm not following it. I
6 am sorry. I am not quite following what you're
7 asking.

8 Q. You don't understand the question, is that
9 it? What -- how can I clarify it for you?

10 A. Try to clarify the question.

11 Q. Did you ask students if they heard [REDACTED]
12 say Mrs. Dyer's husband's first and middle name?

13 A. I can look at the list of questions we
14 asked. We asked all the students the same questions.

15 Q. Okay.

16 A. No.

17 Q. You didn't ask them or they didn't hear
18 [REDACTED] say it?

19 A. I didn't ask them -- we didn't ask them.

20 Q. So they were never asked if they ever heard
21 [REDACTED] say her husband's first and middle name?

22 A. Our investigation was about [REDACTED] --

23 Q. The reason I am bringing it up is because --
24 so the teacher was intimidated by [REDACTED] saying her
25 husband's first and middle name?

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1 A. This student says [REDACTED] Spero said he knew
2 her address but didn't say in class that he was going
3 to do anything.

4 Q. So nobody was ever questioned about [REDACTED]
5 saying her husband's name.

6 A. We asked them if there was anything that
7 they wished to share and if there was anything else we
8 should know and several other things but not that
9 question specifically.

10 Q. So there is a possibility [REDACTED] never said
11 her husband's first and middle name.

12 A. Mrs. Dyer said she heard it.

13 Q. Okay. So isn't that kind of holding the
14 same water that [REDACTED] heard her say a derogatory
15 word -- that each of them heard one say the other but
16 there is nobody else I guess to step forward. So
17 there is a possibility [REDACTED] never said her
18 husband's name?

19 A. Could be.

20 Q. Okay. Is there also two students in the
21 classroom that have the same first name as her
22 husband?

23 A. Yes.

24 Q. So is there a possibility [REDACTED] was
25 speaking to another student and said his name and out

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1 of paranoia she assumed [REDACTED] was talking about her
2 husband?

3 A. No student in the classroom has the first
4 and same middle name.

5 Q. Are there two students with the first same
6 name as her husband in the classroom?

7 A. Yes.

8 Q. There is a possibility [REDACTED] was speaking
9 to another student with the same first name and out of
10 her paranoia she assumed he was talking about her
11 husband?

12 A. I can't speak to what she was thinking.

13 Q. In your personal opinion.

14 A. I can't speak to what she was thinking.

15 Q. In your opinion, yes or no?

16 A. No.

17 Q. No. So there is no chance that she missed
18 heard something that was being said.

19 A. To answer your question I said no.

20 Q. Okay. The other students that were
21 interviewed about [REDACTED] discussing the teacher's
22 address, was there any student that said that [REDACTED]
23 specifically said her address number -- her home
24 number?

25 A. She stated -- and I just stated that she

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1 said someone in that group said it. She never said
2 that [REDACTED] said the number of her house.

3 Q. Okay. So what specifically did she say that
4 [REDACTED] did say -- if he did say the number of her
5 house, what did [REDACTED] say?

6 A. [REDACTED] admitted that he said Drexel.

7 [REDACTED] admitted to me and Mr. Kasson that he knew
8 where she lived on Drexel.

9 Q. And isn't that because another student had
10 told him?

11 A. I don't know why [REDACTED] said that.

12 Q. When you had interviewed [REDACTED] [REDACTED]
13 said that a student had told him where the teacher had
14 lived because he was talking about his girlfriend's
15 address who lives right around the corner from her?

16 A. I believe when [REDACTED] talked to Mr. Kasson
17 and I, he said that he did know where she lived and
18 that's when he had the story about isn't it funny that
19 you don't really think your teachers are real people
20 and then all of a sudden you find out they live some
21 place and you know where they actually live.

22 Q. Okay. Mrs. Dyer said [REDACTED] was playing
23 music very loudly from his phone and that's the whole
24 reason of him being asked to leave the class. Were
25 students asked if [REDACTED] was playing loud music?

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1 A. No.

2 Q. So it's the teacher's word that [REDACTED] said
3 her address, said her husband's first and middle name
4 and was also playing loud music from his phone but
5 nobody else could attest to that.

6 A. Other students said that [REDACTED] was
7 disruptive.

8 Q. In what manner? What was he doing that was
9 disruptive?

10 A. He was -- he was upset and that [REDACTED] was
11 sent out.

12 Q. So he was upset that [REDACTED] was sent out.
13 Did they say he was playing music loud and that is
14 what caused him to be asked to leave the room?

15 A. Then when Ms. Dyer said I am going to ask
16 you to leave, he mocked her saying, I am going to have
17 to ask you to leave and he then did leave the room
18 after [REDACTED] left the room.

19 Q. That didn't answer my question but that is
20 fine. Did [REDACTED] in the beginning of October make a
21 complaint against Mrs. Dyer because of the seating
22 arrangement?

23 A. Not to me.

24 Q. Do you know if he made a complaint --

25 A. We have talked about that and we do not

D. CADDICK

1 recall him making a complaint or --

2 Q. So he did not go to Mr. Kasson and make a
3 complaint about the seating arrangement in October?

4 A. I didn't say that. I said we do not recall
5 [REDACTED] doing that.

6 Q. Isn't it a possibility that these are not
7 all of the seating charts for the few months that both
8 [REDACTED] and Ms. Dyer were both in the classroom?

9 A. The students were in groups almost on a
10 daily basis. So -- and the students when we
11 interviewed them all talked about that that sometimes
12 they worked with pairs. Sometimes they worked by
13 rows. Sometimes they picked to work with whoever they
14 wanted to. So they're constantly -- I mean every time
15 there is a different activity, there would be a
16 different seating arrangement.

17 Q. So -- yes. So this does not show all of the
18 seating arrangements for the school year. There were
19 times that they were put in different groups that were
20 not listed?

21 A. In the beginning of the year they were
22 seated in alphabetical order. I don't believe that
23 shows that.

24 BRITTANY: I don't have anything
25 else.

D. CADDICK

1 MR. SPERO: I do.

2 EXAMINATION BY MR. SPERO:

3 Q. You mentioned that this is a -- Mrs. Dyer's
4 first year in Vestal?

5 A. At Vestal.

6 Q. I understand that she resigned from Johnson
7 City School District and I would like to know why.

8 MS. DEWIND: I am going to object.

9 Mr. Spero is welcome to make a FOIL.

10 That is not the subject of the hearing
11 we are here for today.

12 MR. SPERO: Well --

13 MS. DEWIND: Plus, the district
14 does not control Johnson City records.
15 I don't even know the truth of that
16 statement at this point.

17 MR. SPERO: We believe there were
18 incidences at Johnson City School
19 District that she was forced to resign
20 and I would like to see those records
21 --

22 MS. DEWIND: You would have to get
23 them from Johnson City.

24 MR. SPERO: -- for our future
25 counsel.

D. CADDICK

1 HEARING OFFICER: You're objecting
2 to the question and summary of your
3 objection, counselor again is what?

4 MS. DEWIND: It is not the purpose
5 of this hearing. And this district
6 does not have records of -- Johnson
7 City records.

8 HEARING OFFICER: I will sustain
9 the objection. So whatever you might
10 want to do with Johnson City is by way
11 of FOIL that you're free to do that.

12 MR. SPERO: Okay. What else did I
13 want to say -- something else --

14 Q. Oh, well, why isn't Mrs. Dyer here today?

15 MS. DEWIND: Mrs. Dyer already
16 testified. We didn't know she needed
17 to be here again today.

18 MR. SPERO: So for the future we
19 have to subpoena her to appear?

20 MS. DEWIND: At least let us know
21 we need her to be here.

22 MR. SPERO: My -- since I am not
23 an attorney, I am trying to put this
24 all together the best I can with my
25 knowledge and so forth.

D. CADDICK

1 MS. DEWIND: Yes. No, we just
 2 need to know to have her. I believe
 3 she is under subpoena currently so --

4 MR. SPERO: I don't have any
 5 records at this point. So I don't know
 6 what's going on per se with the
 7 intricacies of the inside. So we are
 8 like a fish out of water at this point.
 9 And again, I ask the judge to give us a
 10 continuance until we can find an
 11 attorney -- a couple of weeks -- three
 12 weeks to help us find an attorney.

13 MS. DEWIND: I believe that Mr.
 14 Benjamin is ethically obligated to make
 15 a request to be withdrawn as counsel
 16 from the Hearing Officer and he remains
 17 counsel of record until such a time as
 18 he's granted a request to withdraw. Am
 19 I wrong in thinking that?

20 HEARING OFFICER: Well, I mean
 21 that would be the case under civil
 22 litigation. I am not sure the extent
 23 that applies in the administrative
 24 setting.

25 MS. DEWIND: He may want to send a

D. CADDICK

1 letter just to cover for that
2 possibility.

3 MR. SPERO: Send a letter to who?

4 MS. DEWIND: Mr. Sherwood.

5 MR. SPERO: We sending a letter to
6 the --

7 MS. DEWIND: Mr. Benjamin saying
8 he is no longer your counsel.

9 MR. SPERO: I think it is already
10 on record so it is the same thing.

11 Also, I want to bring up in the
12 handbook where does it say that

13 ████████ first amendment rights or are
14 not part of his civil liberties because
15 I am referring to the meeting that we
16 had with Doctor Penna, you mentioned
17 supposedly that you guys I understand
18 are -- to not informing anybody about
19 anything regarding a student of any
20 kind discipline or anything else. Not
21 once during that meeting did Doctor
22 Penna, you or him ever said that he
23 can't say anything. My wife was there.
24 My daughter was there and I was there.
25 So your story about him not being able

D. CADDICK

1 to talk about anything is a lot of
2 garbage.

3 BRITTANY: To clarify -- he is
4 saying in the meeting, [REDACTED] was
5 never told he was never allowed to
6 discuss what happened in the meeting or
7 discuss events that led up to the
8 meeting. So when [REDACTED] started
9 tweeting how he was feeling about the
10 way he was treated he was never told he
11 wasn't allowed to do so.

12 MS. DEWIND: Perhaps we can place
13 them under oath if they are in a
14 position where they want to --

15 HEARING OFFICER: Now is a format
16 for questions. If that is a question
17 for Mrs. Caddick, you can ask it.

18 A. So --

19 MS. DEWIND: I don't think there
20 was a question.

21 HEARING OFFICER: You need to ask
22 the question of her.

23 EXAMINATION BY BRITTANY:

24 Q. So did you ask [REDACTED] not to discuss what
25 had happened in the meeting and before the meeting?

D. CADDICK

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1 A. I did not but Doctor Penna suggested that he
2 not talk about this.

3 Q. When did Doctor Penna suggest that?

4 A. In the meeting.

5 BRITTANY: Okay.

9 MS. DEWIND: No, he hasn't.

10 BRITTANY: He has only been to
11 one.

12 MR. SPERO: Why isn't he?

13 MS. DEWIND: Because we need an
14 administrator to watch the building
15 while these two are here

16 MR. SPERO: Okay -- just to
17 clarify.

18 BRITTANY: I have no other
19 questions.

20 HEARING OFFICER: Ms. DeWind, any
21 follow-up from Ms. Caddick?

22 MS. DEWIND: Just a couple. Thank
23 you.

EXAMINATION BY MS. DEWIND:

25 Q. Ms. Gaddick, if any student had made a

D. CADDICK

1 complaint regarding a concern of racism, what would be
2 the district's procedure in dealing with such a
3 complaint?

4 A. If the student came to us, we would follow
5 the DASA procedures.

6 Q. Which are what?

7 A. The dignity for all students act. It is a
8 New York State regulation.

9 Q. How would you handle the complaint?

10 A. There's a form that you would fill out.

11 Q. And then what?

12 A. And then we would investigate and see if the
13 complaint was founded or unfounded. There is also on
14 there to say you would look and if something else
15 happened in the future, you would then follow through
16 with that as well.

17 Q. So, you were asked on cross examination
18 whether you recalled [REDACTED] making a complaint in
19 October about the seating arrangements, correct?

20 A. Correct. That's what she asked me.

21 Q. Would you have followed that procedure had
22 he made a complaint?

23 A. Yes.

24 Q. Did you conduct a records search to
25 determine whether you had a DASA form ordinance for

D. CADDICK

1 this alleged complaint?

2 A. We did not. In fact, once he made the
3 complaint in December, then we did conduct the
4 investigation which is part of why we talked to all of
5 the students but that was in December. That wasn't in
6 October.

7 Q. Now, I think you testified that you and Mr.
8 Kasson had no recollection of any conversation with
9 [REDACTED] regarding the seating charts in October.

10 A. Correct.

11 MS. DEWIND: I have nothing
12 further.

13 MR. SPERO: Redirect?

14 HEARING OFFICER: Sure.

15 EXAMINATION BY MR. SPERO:

16 Q. Prior to December we believe and we know
17 that [REDACTED] came down to make a complaint to you and
18 to Mr. Kasson and you were suppose to fill out a DASA
19 form and you did not. You dismissed him. Can you
20 tell us why?

21 A. I'm being honest when I say I do not recall
22 that. I do not.

23 Q. Mr. Kasson, do you remember that?

24 HEARING OFFICER: He will be
25 testifying later.

D. CADDICK

1 EXAMINATION BY BRITTANY:

2 Q. In the first meeting we did have -- I
3 believe it was December 1st when he was placed on the
4 initial suspension, [REDACTED] did bring up that he had
5 reported it to Mr. Kasson about the seating
6 arrangement. That's when Mr. Penna gave him the DASA
7 pamphlet. If [REDACTED] did make a complaint, should he
8 have been given a DASA sheet to fill out or a teacher
9 to fill out on his behalf?

10 A. Generally we fill it out together.

11 Q. So if [REDACTED] did make a complaint in
12 October, a DASA sheet should of been filled out?

13 A. Yes.

14 BRITTANY: No other questions.

15 HEARING OFFICER: Okay.

16 MS. DEWIND: Nothing further.

17 HEARING OFFICER: Okay. Do we
18 want to proceed to another witness at
19 this time?

20 (WHEREUPON a brief recess was
21 taken)

22 HEARING OFFICER: We are back on
23 the record. We completed the testimony
24 of Ms. Caddick. I believe there is
25 another witness you wanted to proceed

C. TALBUT

1 with?

2 MS. DEWIND: Yes. I would like to
3 call Officer Talbut.

4 CONNOR TALBUT,

5 having been duly sworn

6 by Carleen J. Taylor

7 testified under oath as follows:

8 EXAMINATION BY MS. DEWIND:

9 Q. Could you state your full name for the
10 record please?

11 A. Connor Talbut.

12 Q. And Officer Talbut, are you employed?

13 A. Yes, ma'am.

14 Q. What do you do for a living?

15 A. I am the school resource officer at Vestal
16 Schools. I am a police officer with the Vestal Police
17 Department.

18 Q. Do you know a student by the name of [REDACTED]

19 Spero?

20 A. I do.

21 Q. How do you know [REDACTED]

22 A. He is a student at Vestal High School.

23 Q. Do you recall whether you were at work on
24 December 8th of 2016?

25 A. I was.

C. TALBUT

1 Q. Did there come a time you became aware of an
2 incident involving [REDACTED]

3 A. Yes.

4 Q. Could you tell us how you -- what you
5 learned and how?

6 A. I can. On December 8th shortly after 11
7 o'clock which is fifth period lunch, I had four
8 students come into my office to express some concerns
9 about [REDACTED] posts on social media, specifically
10 snapchat story -- video he posted on snapchat, some of
11 the tweets that he put on his twitter account.
12 Students who came into my office said that they just
13 came from the commons and that a bunch of students in
14 the commons were concerned about the posts and they
15 felt they should come down and report it to me. They
16 told me [REDACTED] snapchat story had a female who was
17 unloading a handgun on a bed next to some ammunition
18 and tweets that were tweeted about his displeasure
19 with the Vestal School District. I documented all the
20 social media posts. After the students left my
21 office, I notified administration about the students'
22 concerns. They were at a meeting over here across the
23 street -- came back to the high school where they saw
24 the video and the tweets. During this time, I had a
25 few phone calls that I received. One was from a state

C. TALBUT

1 police captain.

2 Q. Could you tell me about that phone call?

3 A. Yeah. While I was in the process of letting
4 the administrators know about the students' concerns,
5 I got a call on my cell phone from my dispatcher who
6 wanted me to call her back. That a state police
7 captain just called -- wanted to talk to me. I called
8 him back. He told me about that he had heard about
9 snapchat -- a gun being on snapchat. I told him that
10 we knew about it and it was being handled. With every
11 other phone call I got it was the same thing. Thank
12 you for the information. I know about it. It is
13 being handled.

14 Q. Approximately how many phone calls do you
15 recall receiving?

16 A. At least three. And then I had a bunch of
17 students coming in trying to report it as well.
18 Again, it was a quick conversation, you know, thanks
19 for the information but it's being handled. Mr. Spero
20 had called the school wanting to talk to Doctor Penna
21 while we were talking about -- while I was reporting
22 the posts to administration. So we all talked to him
23 on speaker phone, told him about what was going on.
24 We decided that I would come up and talk to [REDACTED] up
25 at the residence. During this time, I was also in

C. TALBUT

1 contact with my sergeant, Sergeant Bryant. [REDACTED]
2 wasn't home at the time Mr. Spero called. So we were
3 going to wait until [REDACTED] got home. Mr. Spero called
4 the school, let us know [REDACTED] was on the way. I went
5 to the station, got my sergeant. He decided myself,
6 him and another officer would go up to the Spero
7 residence and just check out anything with the gun --
8 anything like that. The Spero's when we arrived were
9 very cooperative with us. They knew we were coming --
10 knew about the situation.

11 Q. Who was home when you got there?

12 A. It was Mr. Spero, Brittany and [REDACTED] Came
13 right in. I spoke to Brittany. Brittany had --
14 Brittany was identified as the girl in the video on
15 [REDACTED] snapchat story. She had a valid permit for a
16 handgun. It was securely locked in her bedroom in a
17 fingerprint case. Everything was legit about the
18 weapon. Again, they were very cooperative when we got
19 there. Everything went smooth. We came downstairs,
20 myself, the sergeant and Officer Serkiz was the other
21 officer who basically just had a conversation with
22 [REDACTED] family about [REDACTED] having better social media
23 practices. Talking about what he posts on his social
24 media and how it effects -- I explained to [REDACTED] you
25 know, that people see these things. People saw what

C. TALBUT

1 he was posting and got concerned. And a lot of
2 students at the school were concerned about it, didn't
3 know what was going on. People see a gun they get
4 concerned. We have to investigate it. And that's
5 what we did. I mean there was nothing -- nothing
6 criminal was found about it. Just basically that
7 [REDACTED] needed to practice better social media practices
8 and that was it. We left it at that -- no criminal
9 charges -- nothing like that. Came back to the high
10 school. There was still a little bit of more
11 concerned students were coming in and out of the
12 principal's office in and out of guidance, things like
13 that. I handled some of that. Then that was it.

14 Q. Did you participate in any of the discussion
15 about the lockdown drill that was scheduled for the
16 next day?

17 A. Yeah. We had a lockdown drill scheduled for
18 the next day and we decided not to do it due to what
19 had happened the previous day.

20 Q. Specifically why didn't you have the
21 lockdown drill?

22 A. What's that?

23 Q. Specifically why didn't you proceed with the
24 lockdown drill?

25 A. We didn't proceed because what had happened

C. TALBUT

1 the previous day with the weapon, everything like
2 that, students being concerned. We figured it
3 probably was not a good idea to do an unannounced
4 lockdown drill because it might raise some alarm
5 amongst the students given some were already on high
6 alert. So we decided to cancel the drill.

7 Q. Can you maybe for the record give us a brief
8 description about what happens during the lockdown
9 drill?

10 A. A lockdown drill is when there is an
11 unauthorized intruder in the building or someone with
12 a weapon, a serious situation, where all the students
13 -- teacher turns the lights off. All the students go
14 hide in the corner of the room. Door is locked and we
15 want to make sure -- the idea behind it is it is an
16 invisible school -- appears no one is in the
17 classrooms. The reason we do the drills is in case
18 someone comes in with a weapon, someone comes in --
19 unauthorized intruder, active shooter situation.
20 That's why we practice the lockdown drill.

21 Q. Sounds like a pretty intense drill.

22 A. Yeah, it is.

23 Q. So is that also known a live shooter drill?

24 A. Active -- it is one of the scenarios where
25 we would use that drill.

C. TALBUT

1 Q. I am going to show you what I marked exhibit
2 four, ask if you can identify that for me?

3 A. Yes. This is the police report that I wrote
4 after the incident.

5 Q. It basically details what you just described
6 here for us?

7 A. Yes.

8 Q. Can I have that back?

9 A. Yes.

10 MS. DEWIND: I would ask that we
11 have exhibit four admitted.

12 HEARING OFFICER: Any objection to
13 item four?

14 BRITTANY: No.

15 HEARING OFFICER: Four is
16 received.

17 MS. DEWIND: I don't have anything
18 further for Officer Talbut.

19 HEARING OFFICER: Okay. Family
20 questions for the officer?

21 BRITTANY: Yes.

22 EXAMINATION BY BRITTANY:

23 Q. On December 8th, was that your first time
24 encountering [REDACTED]

25 A. No.

C. TALBUT

1 Q. How long would you say you have known
2 [REDACTED] for?

3 A. I have known [REDACTED] since last year --
4 probably beginning of his junior year.

5 Q. So roughly about a year. In the time you've
6 known [REDACTED] have you ever perceived him to be a
7 threat?

8 A. Um, no.

9 Q. Then December 8th, that was the first time
10 we met. You had inspected my safe permit etcetera.
11 Did you perceive me to be a threat to the school?

12 A. No.

13 BRITTANY: That's it.

14 MS. DEWIND: Nothing further.

15 HEARING OFFICER: Thank you,
16 officer.

17 MS. DEWIND: Before we move on to
18 our next witness, I would like to
19 reoffer exhibit six, the videotape or
20 CD. We will retrieve it out of the
21 machine.

22 HEARING OFFICER: Any more
23 thoughts about whether or not exhibit
24 six should be in the record?

25 MR. SPERO: It shouldn't be. It

C. KASSON

1 has nothing to do with the school
2 situation and as was offered by Officer
3 Talbut.

4 HEARING OFFICER: Ms. DeWind.

5 MS. DEWIND: I think you heard
6 testimony from both Officer Talbut and
7 Ms. Caddick that it helped in
8 accordance with the tweets that had
9 been put out to social media to create
10 an environment of fear in the high
11 school on December 8th disrupting the
12 educational environment and ultimately
13 cancelling the lockdown drill. So I
14 think it directly relates.

15 HEARING OFFICER: I will receive
16 exhibit six.

17 MS. DEWIND: I would like to call
18 Cliff Kasson.

19 CLIFF KASSON

20 having been duly sworn
21 by Carleen J. Taylor
22 testified under oath as follows:

23 EXAMINATION BY MS. DEWIND:

24 Q. State your full name for the record please?

25 A. Clifford R. Kasson, Junior -- k-a-s-s-o-n.

C. KASSON

1 Q. Mr. Kasson, are you employed?

2 A. Yes.

3 Q. What do you do for a living?

4 A. Assistant principal at Vestal High School.

5 Q. How long have you been employed in that
6 capacity?

7 A. This is my sixth year as assistant principal
8 in the high school. I was at the middle school five
9 years prior to that.

10 Q. Do you know a student by the name of [REDACTED]
11 Spero?

12 A. I do.

13 Q. How do you know [REDACTED]

14 A. He is a student in the high school.

15 Q. Did there come a time that you and Ms.
16 Caddick needed to interview a series of five students
17 regarding [REDACTED] conduct?

18 A. Yes.

19 Q. When was that?

20 A. It was on the second of December. It was
21 myself. I did. Mrs. Caddick was working with [REDACTED]
22 and a teacher. So I said I will contact the students
23 and I asked the students to come down to the A-P
24 office.

25 Q. What was the purpose of the interviews?

60

C. KASSON

1 A. Yeah, just to see if they had saw or heard
2 anything inappropriate in class that may of happened.

3 Q. What triggered the need to speak with the
4 students?

5 A. That was the complaint from [REDACTED] and with
6 the teacher with the situation when [REDACTED] was asked to
7 leave class because of a cell phone and then calling a
8 teacher a fucking racist.

9 Q. And do you recall who you spoke with --
10 which students?

11 A. Yes, I do. The five students I have their
12 statements, yes.

13 Q. Did any of the students indicate there were
14 racial concerns in the classroom?

15 A. Um, one student did indicate that [REDACTED] had
16 mentioned that previously -- had brought it to their
17 attention that some students of color were set
18 together at one point during class.

9. Who was that student?

20 A. [REDACTED]

Q. Did she indicate that had been her
experience as well?

23 A NO

Q Just that [REDACTED] told her his concern?

A. Yeah, that there was a concern that there

C. KASSON

1 were some students of color and then other than that
2 just [REDACTED] and other people made some comments. Then
3 [REDACTED] called the teacher a racist.

4 Q. Did any of the students indicate they heard
5 or saw [REDACTED] engaging in misconduct?

6 A. Yes. One student indicated that [REDACTED]
7 said the address of this teacher to the teacher --
8 made that comment to the teacher.

9 Q. Any others?

10 A. No. The other ones were just comments of,
11 we here comments going back and forth and students
12 saying things but nothing specific.

13 Q. Was that a rambunctious class?

14 A. Yes. It seems to be, yes.

15 Q. More so than the average?

16 A. I would say so.

17 Q. Were you present on December 2nd when the
18 administration met with [REDACTED]

19 A. Yes and the family -- yes, I was.

20 Q. What can you tell us about that meeting?

21 A. That was a pre-suspension conference meeting
22 and we had invited the family and spoke about the
23 situation, [REDACTED] actions in class and we engaged
24 in the conversation about that and toward the end of
25 that meeting, Doctor Penna says, stay off your cell

C. KASSON

1 phone. Don't ever talk about this. He puts it out
2 there every time he meets with a student because if
3 you know Doctor Pennna, he is old school, Mr. Ford --
4 Henry Ford -- because I don't believe in that stuff
5 and he tells students to make sure you are not on it.
6 So I do remember distinctly he did mention that.
7 During that meeting also, there was -- we went back
8 through what happened, the treatment of the teacher
9 and then, you know, Brittany did indicate -- said,
10 [REDACTED] about, you know, you're talking about
11 discrimination here. You don't know what it is like.
12 Do you have a green card? You know, do you know --
13 did anyone ever call you those words? Has anyone
14 called you those bad words and he said no. Mr. Spero
15 did indicate -- he asked [REDACTED] directly why are you
16 doing -- why would you bring this to this level? Then
17 at the end he did ask us to apologize to the teacher
18 and there would be no harm to her and nothing like
19 that would happen to the teacher. There would be no
20 harm to the teacher.

21 Q. Were you present in the interview when just
22 [REDACTED] was present on the second?

23 A. So Mrs. Caddick was talking with him and I
24 was in my office. I walked by. I did come in towards
25 the end of that, yes.

C. KASSON

1 Q. Were you present when [REDACTED] admitted he was
2 talking about where Mrs. Dyer lives?

3 A. Yes.

4 Q. What do you recall he said?

5 A. He mentioned that there's another student
6 that lived in that area and they were talking about
7 the proximity to Mrs. Dyer. And then he mentioned
8 that, oh, I thought it was kind of weird. You don't
9 think teachers are real people and then she lives
10 right there down the street.

11 Q. Did you receive any complaints regarding the
12 social media posts by [REDACTED] on December 8th?

13 A. Yeah. There was a number of students that
14 stopped into the office, you know, and I don't have a
15 record of which students but there were some concerns.

16 Q. Did any of them indicate they were trying to
17 get out of school early?

18 A. No.

19 Q. What was the general climate on the
20 afternoon of the eighth in the building?

21 A. Yeah, it was pretty tense. We had students
22 that didn't want to walk from one class to another.
23 Teacher had to call the counselor, have the counselor
24 come escort the students. And there was a lot of
25 buzzing about what was going on and [REDACTED] made

C. KASSON

1 apparent he had been suspended previously and all that
2 was on social media. Students were concerned about
3 weapons. You know, we do have a lot of those lockdown
4 drills and talk about -- we have a single point of
5 entry for our school -- really safety minded. I think
6 it brought a lot of attention to students. They are
7 safety minded and people were concerned as well as
8 adults. We had many teachers approach us and talk
9 about the situation also. It wasn't just students.

10 Q. Did you participate in the decision to call
11 off the lockdown drill scheduled for the ninth?

12 A. I did. And as Officer Talbut mentioned,
13 that was a planned drill, just Officer Talbut,
14 administrators knew about it. It was a drill that was
15 going to be a surprise to the staff and the students.
16 And so in light of everything that was going on with
17 the student complaints, teacher complaints, we
18 definitely could not have run that and it would of
19 been an opportune time because it was early dismissal
20 day. Always thinking about instruction -- it was an
21 opportune time and we had to cancel it.

22 Q. How much planning goes into an unannounced
23 lockdown drill?

24 A. Yeah, quite a bit. We need to look at, you
25 know, what duration, what time of the year we are

C. KASSON

65

1 planning these. Then we have to think about when did
 2 we plan -- when did we have a lockdown drill before --
 3 wanted to make sure we evenly spread it out. And we
 4 have to communicate with district so district knows in
 5 case there is any calls they can say it is a practice.
 6 We have to communicate it with the police department
 7 through Officer Talbut. It is quite a bit of planning
 8 and strategic planning when to have these take place.

9 Q. Do you communicate it with other emergency
 10 services as well?

11 A. Through Officer Talbut but -- we do not
 12 directly but he does.

13 Q. Will that drill now need to be made up?

14 A. Yes.

15 Q. Did you participate in the interviews of the
 16 other twenty students in that math class fourth
 17 period?

18 A. Yeah. We -- yeah, we did.

19 Q. When did that occur again?

20 A. Let me see, so we interviewed on the ninth
 21 and the twelfth.

22 Q. At this point in time, had you received any
 23 information that [REDACTED] was alleging the teacher used
 24 the term nigger?

25 A. No, not at all. That goes back to when Mrs.

C. KASSON

1 Caddick was meeting with [REDACTED] and I stepped in. It
2 goes back to when we had the pre-conference suspension
3 meeting. None of that was brought up at any point and
4 not even when the five students were interviewed --
5 the five students prior to that -- this was not
6 brought up. It was not brought up.

7 Q. What was the outcome of your investigation
8 on the ninth and the twelfth?

9 A. Yeah, we had, you know, we asked a series of
10 questions and it was basically on disruption, looking
11 at what -- how students were grouped -- that type of
12 thing. And basically, there is some students
13 mentioned [REDACTED] had said, you know, blacks to the back
14 and had under his breath said to other students, what
15 a racist bitch of the teacher and when we asked about
16 groupings, pairs, there was across the board it was a
17 random rows, sometimes turn and talk to a partner,
18 chose your own partner. So there was a seating chart
19 but often they worked in groups. So they would move
20 to different groupings and the seating charts change
21 over time. So that was a common theme. And also, we
22 asked about, you know, distractions. They said, yes,
23 many students talk out of turn. A lot of students
24 offered who -- which students were the most
25 distraction and [REDACTED] name came up as being a

C. KASSON

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1 distraction in class. They also said there was swear
 2 words that happen in class. Again, [REDACTED] name did
 3 come up with that. And they did mention [REDACTED] called
 4 the teacher an F'n racist. And one of the questions
 5 was about any social media, anything going on and some
 6 students did talk about the handgun in the snapchat
 7 video and about racism tweets and he was wrongly
 8 accused etcetera, you know, with that. A lot of the
 9 students did indicate she is a good teacher, nice
 10 teacher. She would never do anything like that. One
 11 of my favorite teachers. Those type of comments.

12 Q. Was there any indication from any of the
 13 students that Mrs. Dyer used racist language in class
 14 or did anything race-based in class?

15 A. No. We -- there were a couple students did
 16 say about the grouping of some students, you know, but
 17 -- it was a couple students mentioned that -- but no
 18 other comments. And we had a last question was an
 19 open-ended question, tell us anything going on we
 20 should know and there was no mention of a teacher
 21 using any inappropriate language or anything like
 22 that.

23 Q. When you say concern regarding the groupings
 24 of students what do you mean?

25 A. There was a couple students mentioned that

C. KASSON

1 [REDACTED] had brought it to their attention that the
2 teacher had seated some students of color together at
3 one point but they all mentioned seating charts
4 changed multiple times throughout the fall semester.
5 Then that when they got into groups that all the
6 seating chart changed based on the group when they got
7 into groups to work.

8 MS. DEWIND: I don't have anything
9 further for Mr. Kasson.

10 HEARING OFFICER: Okay. Questions
11 for Mr. Kasson?

12 EXAMINATION BY BRITTANY:

13 Q. If a student wants to speak to you or
14 somebody in administration, what are some of like a
15 procedure they go through? Do they have to sign-in in
16 the office? Do they have to -- how do they go about
17 that?

18 A. Yeah. I mean they could stop in the office
19 and ask to see us.

20 Q. They don't have to sign-in to speak --

21 A. We do have a sign-in sheet. Sometimes
22 students do, sometimes students do not.

23 Q. Is there a camera anywhere in the office
24 that shows students coming in and out of the office?

25 A. Not in the office.

C. KASSON

1 Q. Is there some -- one around it that you
2 could see if a student had walked into the office at
3 some point?

4 A. I think you could. There is a camera in the
5 hallway.

6 Q. Do you remember [REDACTED] coming to you in
7 October about the seating arrangement?

8 A. I do not.

9 Q. Did [REDACTED] ever come to you before December
10 to speak to you about anything he was experiencing
11 during the school year?

12 A. No. The first time that I recall seeing
13 [REDACTED] was on November 2nd and that's because he was
14 assigned campusing at some point and he came in to
15 argue that he felt that he completed his campusing but
16 Mrs. Caddick sees the seniors. She is senior
17 administrator. He is a senior but I was available.
18 So I said, okay, what is going on. So she said, well,
19 the monitor said [REDACTED] did not report. You have to
20 report three times and that he did not report as he
21 should. So, therefore, we are reassigning him campus
22 and [REDACTED] said, I was there. I was over in the
23 commons and she knew I was there. I said but we know
24 every student -- you have to go and report three
25 times, touch base with the monitor, say, I am here.

C. KASSON

1 He said, okay. So you have to make those times up.
2 You have two days of campusing. We scheduled a date
3 and that was it. Other than that I haven't met with
4 him for discipline and I do not recall him coming to
5 me talking to me about seating arrangements in math
6 class.

7 Q. Okay. When you were questioning the
8 students about conduct that happened in the classroom
9 about [REDACTED] saying the teachers address and about
10 where she lived why did not you ask them if they heard
11 [REDACTED] say her husband's name?

12 A. You know, at the time, like I said, Mrs.
13 Caddick met with the teacher and with the SRO. I
14 wasn't in those meetings. So I offered to help out
15 and I know there was a situation in math class so I
16 left it as an open-ended question. The students will
17 indicate what happened. I called the students down.
18 They wrote the statements and then they left. So that
19 the five statements I had is what I told -- I just now
20 under oath told you what the students said.

21 Q. Would you say there is roughly two to six
22 students roughly that came in to make complaints about
23 the video of the gun?

24 A. I would think that would probably be
25 accurate.

C. KASSON

1 Q. How many students would you say there is in
2 the entire school?

3 A. About a thousand fifty.

4 Q. A thousand fifty students and because two to
5 six students felt disrupted, that was reason enough to
6 suspend him for an additional five days?

7 A. Um, let's see, that was a determination that
8 was made, right. So it was with the high school
9 administration brought this to the district
10 administration, right. So we met with district
11 personnel about this. It was a collective decision
12 but yeah, there were staff that was upset about this,
13 fearful and there were students and it went through
14 the school resource officer also. So yeah, I do. It
15 was a considerable distraction to the school and it
16 was alarming.

17 Q. Have you ever had other students come to you
18 either before or after this incident talk about racism
19 they dealt with inside the school?

20 A. Yeah, of course I have had -- not after
21 this. Obviously, yeah, we have had racism inside the
22 school, yeah.

23 Q. Are you aware there have been previous
24 accusations against Mrs. Dyer at Johnson City?

25 A. I was not aware of that. If there was -- I

C. KASSON

1 don't know that there is --

2 Q. I am asking if you had heard of it
3 beforehand.

4 A. No.

5 BRITTANY: That's it.

6 HEARING OFFICER: Anything
7 further?

8 MS. DEWIND: No follow-up.

9 HEARING OFFICER: All right.

10 MS. DEWIND: I believe at this
11 point, I am prepared to rest on behalf
12 of the district.

13 HEARING OFFICER: You're ready to
14 rest your case entirely?

15 MS. DEWIND: Yes.

16 HEARING OFFICER: Okay. Now, I
17 guess we should talk about where we
18 head from here. I believe we have
19 hearing dates scheduled for next week.

20 MS. DEWIND: Yes, for the 30th and
21 31st.

22 HEARING OFFICER: All right. So
23 we will --

24 MR. SPERO: What happens if I
25 don't have an attorney by then?

-COLLOQUY-

1 HEARING OFFICER: I don't know
2 whether you want to address that.

3 MS. DEWIND: I think at this
4 point, it has been going on for two
5 months that we proceed.

6 MR. SPERO: I disagree.

7 MS. DEWIND: It is designed to be
8 a summary procedure and if they are
9 unhappy with the outcome, they can
10 appeal.

11 MR. SPERO: There is always an
12 appeal but in the meantime we have to
13 have proper representation to confront
14 the school district and yourself.

15 HEARING OFFICER: Well, I think we
16 have had the hearing dates scheduled
17 now for quite a long time. I believe
18 we should go ahead and proceed. So we
19 will just see everyone -- the district,
20 basically you're saying you have
21 completed your presentation. So
22 whatever information the family wishes
23 to offer we will listen to.

24 MS. DEWIND: The only time I would
25 present further evidence is if I

-COLLOQUY-

1 thought there was any rebuttal
2 witnesses down the road.

3 HEARING OFFICER: Right.

4 BRITTANY: For the 30th what time?

5 HEARING OFFICER: Nine o'clock.

6 Basically the whole day is blocked off
7 on the 30th and 31st.

8 MS. DEWIND: Correct.

9 MR. SPERO: This is for what?

10 HEARING OFFICER: For the family's
11 case. So in other words, whatever the
12 family wants to offer to -- information
13 to myself and the Superintendent that
14 would tend to rebut the allegations in
15 exhibit number one and rebut the points
16 that Ms. DeWind is attempting to make
17 regarding [REDACTED] conduct so -- which
18 could include his own testimony. He
19 would not have to testify but he would
20 be certainly welcome to testify if you
21 would like him to testify. And then I
22 believe there were certain students
23 that I -- at least I understood might
24 be in a position to offer more
25 information on things. So --

-COLLOQUY-

1 BRITTANY: If we wanted students
2 to make a statement on record, how
3 should we go about that? Just notify
4 them?

5 HEARING OFFICER: I think they've
6 already been subpoenaed.

7 MS. DEWIND: They have already
8 been subpoenaed. I think you just need
9 to let them know when and where
10 basically.

11 HEARING OFFICER: We need you at
12 school at the administration office
13 Monday morning. And I don't know
14 mechanically as far as their absence
15 from school how that would be handled
16 through the assistant principals --

17 MS. DEWIND: They would not be
18 penalized. They would be allowed to
19 makeup any work --

20 BRITTANY: An excused absence.

21 MS. DEWIND: Yes. They would not
22 be penalized. You would make whatever
23 arrangement -- you would want their
24 parent here anyways --

25 BRITTANY: Of course.

-COLLOQUY-

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1 HEARING OFFICER: So here again,
2 we have those two days blocked off. We
3 may or may not have to use all that
4 time but it is available. We will see
5 everybody here Monday at 9 a.m.

(Whereupon, the hearing was adjourned)

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C E R T I F I C A T I O N

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I Carleen J. Taylor, Court Reporter and Notary
Public in and for the State of New York, do hereby
certify that I attended the foregoing proceedings,
took stenographic notes of the same, that the
foregoing, consisting of 77 pages, is a true and
correct copy of same and the whole thereof.

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Dated: January 31, 2017

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CARLEEN J. TAYLOR

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